

REMARKS

In the Office Action dated August 25, 2003, the Examiner has stated that the pending claims of the present application fall within nine (9) groups of distinct inventions, as follows:

Group I: Claims 1-7 and 47-54;

Group II: Claims 8-13;

Group III: Claims 14-21;

Group IV: Claims 22-28;

Group V: Claims 29-32;

Group VI: Claims 33-35;

Group VII: Claims 36-39;

Group VIII: Claims 40-43; and

Group IX: Claims 44-46.

A. Applicants' Express Election and Traverse Under MPEP §818.03

For the purpose of being responsive to the Examiner's request in the Detailed Action, and as required by MPEP §809.02(a) and §818.03, applicants hereby elect, *with traverse*, Group I containing claims 1-7 and 47-54, for examination on the merits.

However, it is noted that according to MPEP §803, the two criteria for a proper requirement for restriction are that (1) The inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05 - §806.05(i)); and (2) There must be a serious burden on the examiner if restriction is required (see MPEP §803.02, §806.04(a) - §806.04(i), §808.01(a), and §808.02). As such, applicants *traverse* the Examiner's restriction requirement and the grouping of the claims into nine (9) "patentably distinct" species as discussed below.

1. There Are No Independent Inventions

Applicants respectfully submit that, in the present application, the species identified by the Examiner are not independent.

The pending claims of the present application are not directed to different “combinations not capable of use together, having different modes of operation, different functions or different effects.” See MPEP §806.04 which recites, by way of example, that an article of apparel such as a shoe is independent from a locomotive bearing, or that a process for painting a house is independent from a process for boring a well.

The pending claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX of the present application are directed to cleaning apparatus and method. Applicants respectfully submit that none of these claims is directed to subject matter that can be deemed as an independent invention within the meaning of MPEP §806.04.

According to MPEP §806.04(e), the species are independent only when there is no relationship between them. In the present application, there is in fact a relationship between the above-cited independent claims, as they all relate to cleaning apparatus and method. In other words, the claims of the present invention do not have “mutually exclusive characteristics” as required for a proper restriction requirement under MPEP §806.04(f).

2. There Are No Distinct Inventions

The pending claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX and their related disclosure in the present application are not directed to distinct species as defined by MPEP §806.05, since, for example, there are no process claims that can be used to achieve a structure different from the claimed structure. Furthermore, even if applicants were to file divisional applications directed to the seven (7) species identified by the Examiner for pending

claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX, "IT STILL REMAINS IMPORTANT FROM THE STANDPOINT OF THE PUBLIC INTEREST THAT NO REQUIREMENTS BE MADE WHICH MIGHT RESULT IN THE ISSUANCE OF TWO PATENTS FOR THE SAME INVENTION." See MPEP §803.01 (capitals in original).

3. There Is No Serious Burden For Prior Art Search

Furthermore, the MPEP requires that there be a serious burden on the examiner if restriction is required (see MPEP §803.02, §806.04(a) - §806.04(i), §808.01(a), and §808.02). MPEP §803 emphasizes that: "If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions." Applicants respectfully submit that no additional burden is imposed on the Examiner to conduct a prior art search for pending claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX, since such prior art search should be directed to a search for cleaning apparatus and method.

Accordingly, applicants respectfully request the Examiner to at least examine pending claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX.

B. Re-Grouping of the Claims

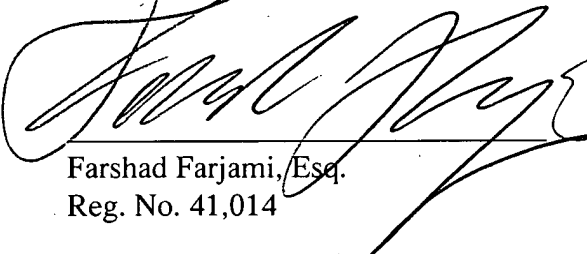
In the unlikely event that the Examiner maintains the present restriction requirement despite applicants' reasons discussed in Section A above to examine pending claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX, applicants respectfully submit that, at least for the reasons stated above in conjunction with Section A, claims 1-7, 47-54, 8-13 and 44-46 in Groups I, II and IV should be examined.

C. Conclusion

In light of the above reasons, applicants respectfully traverse the Examiner's restriction requirement and request that claims 1-28, 33-39 and 44-54 in Groups I-IV, VI, VII and IX, or in the alternative, at least claims 1-7, 47-54, 8-13 and 44-46 in Groups I, II and IV in the present application be Examined as part of a single application. In the unlikely event that the Examiner maintains the present restriction requirement, as required by MPEP §809.02(a) and §818.03, applicants have made a provisional election of Group I (i.e. claims 1-7 and 47-54) for prosecution in the present application.

The Examiner is invited to contact the undersigned for any comments or discussions regarding the present application.

Respectfully Submitted;
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